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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	PR Docket No. 92-257
	)	
Amendments of Commission's	)	Further Notice of
Rules Concerning	)	Proposed Rulemaking
Maritime Communications	)	
To: The Commission		

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REPLY COMMENTS

OF

AMERICAN COMMERCIAL BARGE LINE COMPANY

AND

WATERWAY COMMUNICATIONS SYSTEM, INC.

American Commercial Barge Line Company ("ACBL") and Waterway Communication Systems, Inc. ("WATERCOM") respectfully submit their Reply Comments in the Commission's Further Notice of Proposed Rulemaking concerning updating and modernization of the maritime radio services regulations. Approximately twenty parties submitted comments to the Commission in response to the Further Notice. Those parties, like ACBL and WATERCOM, generally addressed the particular elements of the Further Notice of specific interest to their operations or constituencies. ACBL and WATERCOM discussed six of the issues raised in the Further Notice, and are pleased to have the opportunity to

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supplement their initial comments in light of the positions of other parties to this proceeding.

**A. Digital Selective Calling**

ACBL/WATERCOM asked the Commission to clarify that the proposal concerning digital selective calling is not intended to apply to the Automated Maritime Telecommunications Service. None of the parties commenting in the rulemaking suggested that DSC should apply to the AMTS. To the contrary, both Fred Daniel d/b/a Orion Telecom and Paging Systems concur with ACBL/WATERCOM that DSC is inappropriate to the Automated Maritime Telecommunications Service. Accordingly, the Commission is requested to clarify in the disposition of the rulemaking that whatever DSC requirements may be imposed in the VHF band apply only to the 156-162 MHz band, and not to the AMTS.

**F. Intra-Service Frequency Sharing**

ACBL/WATERCOM took strong exception in the initial comments to the proposal to merge the commercial and non-commercial VHF channels. Both the American Waterways Operators and the National Ocean Industries Association, both representatives of maritime operators in the coastal, inland and off-shore waters, share ACBL/WATERCOM's concerns about the inherent danger of degrading commercial vessel

communications through the merging of recreation and commercial maritime frequency use. Moreover, both the U.S. Coast Guard and the Radio Technical Commission for Maritime Services (RTCM) noted in their comments that operational considerations in many ports and other operating areas require the preservation of discreet commercial channels. RTCM, consistent with the views of ACBL/WATERCOM, AWO, NOIA, and the Coast Guard, recommends that "sharing should be predicated on specific consideration of defined areas with appropriate local hearings and follow-on rulemakings that would be applicable only to the area concerned."<sup>1/</sup>

The only support for the Commission's proposal comes from two public coast station operators, one of which, Globe Wireless, operates solely in the MF and HF bands, and neither of which addresses the operational significance to commercial vessels of the merging of commercial and non-commercial frequencies or even discusses the intra-service sharing proposal in specific terms. Accordingly, discounting these two parties as non-responsive to the issue posed, all parties who are concerned with vessel operations oppose merging of commercial and recreational vessel communications without taking into account individual port conditions.

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<sup>1/</sup> RTCM Comments at p. 6.

## **I. Mobile Sharing of Private Land Frequencies**

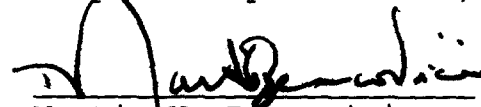
Considering that communication opportunities should be open and reciprocal, the Commission in the Further Notice proposed allowing maritime users to share private land mobile frequencies, just as the Commission recently authorized land mobile interests to share maritime frequencies. Ironically, two land mobile organizations, the American Trucking Associations and the Association of American Railroads, both oppose maritime sharing of land mobile frequencies, notwithstanding geographic limitations and other conditions imposed to protect land mobile operations. It is noteworthy that the safety concerns raised by the ATA and AAR with regard to sharing of maritime frequencies were not of sufficient importance to warrant opposition to the maritime frequency sharing proposal. Sharing either is or is not feasible; it cannot be feasible for land mobile interests to share maritime frequencies and infeasible to allow maritime operators to share land mobile frequencies within the same user categories on similar terms and conditions.

**M. Other Issues**

ACBL/WATERCOM were the only parties to discuss ship operator licensing. In similar fashion, however, Mobile Marine Radio, Inc., noted that certain residual coast station licensing requirements also are outmoded and unnecessary. The Commission is respectfully requested to relieve operators of these anachronistic requirements, which are not imposed on other services.

WHEREFORE, THE PREMISES CONSIDERED, American Commercial Barge Line Company and Waterway Communications System, Inc., respectfully request the Federal Communications Commission to adopt changes to the maritime services regulations as discussed in the ACBL/WATERCOM comments and reply comments in this proceeding.

Respectfully submitted,



Martin W. Bercovici  
Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
(202) 434-4100

Attorney for:  
American Commercial Barge  
Line Company and  
Waterway Communications  
System, Inc.

DUE: November 21, 1995